

**BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 93-32**

**A RESOLUTION PROVIDING FOR THE PRESERVATION OF THE CULTURAL,
HISTORIC AND ARCHITECTURAL HISTORY WITHIN GUNNISON COUNTY.**

WHEREAS, C.R.S. 30-11-107(1)(bb) authorizes the Board of County Commissioners of Gunnison County to provide for the preservation of the cultural, historic and architectural history within the county by ordinance or resolution; to delegate the power to designate historic landmarks and historic districts to an historic preservation advisory board; to accept dedicated or deeded easements or other historic property and to expend moneys for the maintenance of such deeded historic land, facilities, and structures; and to receive contributions, gifts, or other support from public and private entities to defray the maintenance costs of such historic land, facilities and structures; and

WHEREAS, the Board of County Commissioners of Gunnison County desires to promote the public health, safety and welfare through:

- a. the protection and preservation of the County's cultural, historic and architectural history, as embodied in designated lands, facilities and structures; and
- b. the stabilization and enhancement of value of those designated lands, facilities and structures; and
- c. the provision of increased opportunities for public education, participation in and appreciation of Gunnison County's unique heritage; and
- d. enhancement and diversification of the economy of Gunnison County that preservation will foster; and
- e. ensuring a careful balance between private rights and the public interest in such preservation.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that:

I. Commission Established

There is hereby created an Historic Preservation Commission.

A. Membership

1. The Commission shall consist of no more than five (5) members, providing a balanced, community wide representation, who shall be appointed by the Gunnison County Board of County Commissioners. All members of the Commission shall be residents of Gunnison County or owners of real property of Gunnison County.

2. All members of the Commission shall be knowledgeable in the cultural, historic and architectural heritage of Gunnison County and have a strong interest in its preservation.

B. Terms And Vacancies

1. The term of office for members of the Commission shall be three years, and shall be staggered by making the initial terms of membership as follows: two (2) appointees shall serve one (1) year terms; two (2) appointees shall serve two (2) year terms; one (1) appointee shall serve a three (3) year term.

2. Any member of the Commission may be removed by the Board of County Commissioners in its sole discretion.

3. In the case of a vacancy on the Commission, the Board of County Commissioners shall make an appointment to fill the term of the vacating member.

4. All members of the Commission shall serve without compensation except for such amounts as may be determined appropriate by the Board of County Commissioners to offset expenses including but not limited to mileage, telephone, meals and lodging incurred in the performance of the Commission's duties.

C. Quorum And Voting

A quorum for the Commission shall consist of a majority of the membership (excluding vacant seats). A quorum is necessary for the Commission to hold a public meeting or hearing or to take official action. A roll call vote shall be taken upon the request of any member. A tie vote shall be deemed denial of the motion or recommended action.

D. Officers

The Commission shall by majority vote, elect one (1) of its members to serve as chairperson to preside over the Commission's meetings and one (1) member to serve as vice-chairperson. The members so designated shall serve in these capacities for terms of one (1) year, and may serve successive terms.

E. Meetings

The Commission shall hold at least one regularly scheduled and noticed meeting a month. Minutes shall be kept of all commission meetings.

F. Powers And Duties

The Commission shall:

1. Develop criteria for review and designation of buildings, objects, sites, land, facilities and structures as historic landmarks. Such criteria shall not be adopted until approved by the Board of County Commissioners.
2. Review buildings, objects, sites, land, facilities and structures nominated for designation as historic landmarks and recommend that the Board of County Commissioners designate by resolution those resources qualifying for such designation.
3. Review and make determinations and recommendations on any application for alterations to a designated historic landmark.
4. Review and make determinations and recommendations on any application for moving or demolishing a designated historic landmark.
5. When appropriate, provide to owners of historic property information on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, including nomination to the National Register of Historic Places.
6. Develop and assist in public education programs including but not limited to hiking tours, driving tours, brochures, a marker program for historic properties, lectures and conferences.
7. Conduct surveys in Gunnison County for the purpose of identifying resources of historic significance.

8. Advise the Board of County Commissioners on matters related to preserving the historic heritage of Gunnison County.

9. Actively pursue financial assistance for preservation related programs.

G. Liaison

There shall be designated by the Board of County Commissioners County staff who shall be the liaison with the Commission.

II. Designation of Landmarks

A. Permission of Owner Required

No building, object, site, land, facility or structure shall be designated by the Board of County Commissioners of Gunnison County as an historic landmark without the express, written consent of the owner of the same which consent shall be incorporated in the designating certificate of the Board of County Commissioners and recorded in the records of the Clerk and Recorder of Gunnison County.

B. Designation Authorized

1. The Board of County Commissioners of Gunnison County may, by resolution or ordinance, designate as an historic landmark an individual building, ~~object, site, parcel of land,~~ facility or structure or an integrated group of buildings, objects, sites, parcels of land, facilities or structures.

2. Each such designating resolution or ordinance shall include a description of the characteristics of the building, object, site, land, facility or structure that justify its designation, a description of the particular features that should be preserved, and a legal description of the location and boundaries of the landmark site. The designating resolution may also indicate alterations which would have a significant impact upon, or be potentially detrimental to, the landmark.

3. The building, object, site, land, facility or structure included in such designating resolution shall be subject to the controls and standards set forth in this Resolution as it may be amended at the time of the designation, and eligible for such incentive programs as may be developed by the Commission.

C. Procedure For Designation

1. A nomination for designation may be made by the Commission, by the owner of the subject building, object, site, land, structure or facility, or by any citizen. Such nomination shall be written, signed and dated on a form provided by the Commission. If the nomination is by anyone other than the owner, the Commission shall secure the owner's written consent for nomination before proceeding further.

2. The Commission shall hold a public hearing on the nomination no more than sixty (60) days after the filing of the completed nomination form. Notice of the time, date, place and subject matter of the hearing shall be given by one publication in a newspaper of general circulation within the County no less than fifteen (15) days prior to the date of the hearing, and the property shall be posted to indicate that a landmark nomination is to be considered by the Commission.

3. The Commission shall review the application for conformance with the established criteria for designation and with the purposes of this Resolution.

4. Within thirty (30) days after the conclusion of the public hearing, unless otherwise agreed by the Commission and the owner, the Commission shall either approve, modify and approve, or disapprove the nomination, and if approved or modified and approved, shall refer the nomination with a copy of its report and recommendation to the Board of County Commissioners. The Commission shall also notify the Board of County Commissioners immediately of any action regarding a nomination initiated by the Board of County Commissioners.

D. Proceedings By The Board of County Commissioners

1. Within thirty (30) days after the date of any referral from the Commission, unless otherwise agreed by the Board of County Commissioners and the owner of the property, the Board of County Commissioners shall hold a public hearing on the proposed designation. Notice of the time, date, place and subject matter of the hearing shall be given by one publication in a newspaper of general circulation within the County not less than seven (7) days prior to the date of the hearing, and the property shall be posted to indicate that a landmark designation is to be considered by the Board of County Commissioners.

2. Within thirty (30) days after the date of the public hearing, unless otherwise agreed by the Board of County Commissioners and the owner of the property, the Board of County Commissioners shall approve, modify and approve, or disapprove the proposed landmark designation certificate.

3. When a landmark designation certificate has been approved or modified and approved by the Board of County Commissioners, the Board of County Commissioners shall promptly notify the Commission and the owner of the property and cause a copy of the landmark designation certificate to be recorded in the records of the Gunnison County Clerk and Recorder.

III. Landmark Alteration

1. No person shall carry out or permit to be carried out on a designated landmark any new construction, alteration, removal or demolition without first obtaining a landmark alteration certificate for the proposed work. In addition, all other permits required by local, state or federal authorities must be obtained.

2. The Gunnison County Building Inspector shall maintain a current record of all designated landmarks. If the Building Inspector receives an application for a permit to carry out any new construction, alteration, removal or demolition on or of a designated landmark parcel of land, facility or structure, the Building Inspector shall promptly forward such permit application to the Commission and take no further action on the permit until the Commission makes a determination on the proposed action.

3. An owner of property designated as a landmark may apply for a landmark alteration certificate, including all information that the Commission determines is necessary to consider the application, including without limitation, plans and specifications showing the proposed alteration, with texture, materials, and architectural design and detail, and the names and addresses of the abutting property owners.

4. The Commission shall review all applications for landmark alteration certificates, shall hold a public hearing on the application, and determine, within thirty (30) days after a complete application is filed, whether or not the proposed work would have a significant impact upon or be detrimental to a landmark. Notice of the time, date, place and subject matter of the hearing shall be given by one publication in a newspaper of general circulation within the County not less than seven (7) days prior to the date of the hearing, and the property shall be posted to indicate that a landmark alteration is to be considered by the Commission. The Commission shall, within the thirty (30) days, approve, modify and approve, or disapprove the proposed landmark alteration certificate, and notify in writing the applicant and the Board of County Commissioners of its determination.

5. The applicant for a landmark alteration certificate may appeal to the Board of County Commissioners a decision of the Commission disapproving or modifying and approving an application for a landmark alteration certificate by filing a written notice of appeal with the Board of County Commissioners within seven (7) days of the Commission's decision.

6. If an appeal is made, within thirty (30) days after the date of the decision of the Commission the Board of County Commissioners shall hold a public hearing on the appeal of the Commission's decision on the proposed landmark alteration certificate. Notice of the time, date, place and subject matter of the hearing shall be given by one publication in a newspaper of general circulation with the County not less than seven (7) days prior to the date of the hearing, and the property shall be posted to indicate that an appeal of landmark alteration certificate application is to be considered by the Board of County Commissioners.

7. On appeal, the Board of County Commissioners shall determine whether the proposed work would have a significant impact on or be detrimental to the landmark. Within thirty (30) days after the date of the public hearing, unless ~~otherwise agreed~~ by the Board of County Commissioners and the owner of the property, the Board of County Commissioners shall approve, modify and approve, or disapprove the proposed landmark alteration certificate.

8. The Commission when approving an application for a landmark alteration certificate, or, on appeal the Board, may impose a time limit for the applicant to complete the proposed alteration.

9. When a landmark alteration certificate has been approved or modified and approved by the Commission or, on appeal by the Board of County Commissioners, the Commission shall promptly notify the owner of the property and cause a copy of the landmark alteration certificate to be recorded in the records of the Gunnison County Clerk and Recorder.

10. Nothing in this Section III shall be construed to prevent any measures of construction, alteration, removal or demolition necessary to correct the unsafe or dangerous condition of any landmark or part thereof when all of the following conditions exist:

a. when such condition is declared unsafe or dangerous by the County building inspector or fire inspector;

b. when the proposed measures have been declared necessary by the County Manager to correct the condition; and

c. when only such work that is necessary to correct the condition is performed.

IV. Property Maintenance Required

The Board of County Commissioners intends to preserve from deliberate act, from omission to act or from neglect designated landmarks. Each and every landmark designation or alteration certificate shall require that the owner of the designated landmark to make reasonable efforts to maintain the landmark in at least its condition on the effective date of its designation without significant deterioration.

V. Compliance

No owner, lessee, or occupant of any designated landmark shall fail to comply with all applicable federal, state and local laws, statutes, regulations, codes and requirements and agreements including but not limited to the terms of a landmark designation or alteration certificate.

VI. Rescission or Amendment of Landmark Designation

The property owner, the Commission, or the Board may make application for a rescission or amendment to the designation of a landmark.

A. Application

An application to rescind or amend shall be submitted to the Commission which, after notice and hearing as provided in Section III, shall determine and recommend to the Board of County Commissioners whether the landmark:

1. the landmark no longer has historic significance and the designation should be rescinded; or

2. the landmark has changed or been changed in such a manner as to affect the historic significance and the designation should be amended to reflect that change; or

3. the owner of the landmark qualifies for hardship relief and the designation should be amended or rescinded; hardship relief shall require that the existing certificate is unduly oppressive.

B. The Board of County Commissioners, after receiving the recommendation of the Commission, and after notice and hearing as provided in Section III, may determine:

1. that the landmark no longer has historic significance and rescind the landmark designation;

2. that the landmark has been changed in such a manner as to affect the historic significance and amend the Resolution of designation to reflect that change;

3. that the owner of the landmark qualifies for hardship relief and the designation should be amended or rescinded;

4. to deny the application to rescind or amend.

C. When an application to rescind or amend a landmark designation has been approved, the Board of County Commissioners shall promptly notify the Commission and the owner of the property and cause a copy of the rescinding Resolution or amended Resolution to be recorded in the records of the Gunnison County Clerk and Recorder.

VII. Enforcements And Penalties

No person shall violate or permit to be violated any of the requirements of this Resolution or the terms of a landmark designation.

A. Violations

Violations of the requirements of this Resolution or the terms of a landmark designation are subject to the following penalties:

1. Alterations of a designated landmark without an approved landmark alteration certificate will result in a one-year moratorium on all building permits for the subject property.

2. Moving or demolishing a designated structure without an approved landmark alteration certificate will result in a five year moratorium on all moving,

demolition or building permits for the structure and for the property at the structure's original site.

VIII. Definitions

A. For purposes of this Resolution for landmark designations and for landmark alteration certificates, the following words are to be defined as follows:

1. Alteration. Any act or process that changes one or more architectural features of a designated landmark or one or more physical features of a designated landmark.

2. Architectural Feature. The make, form or appearance of a structure, including but not limited to the color, bind, and texture of building materials, the type, design, and character of windows, doors and appurtenances.

3. Physical Features. The make, form or appearance of the landmark, including but not limited to ground contour, vegetation and improvements, which help to define its historic significance.

INTRODUCED by Commissioner Santabelli, seconded by Commissioner Zenitell, and adopted this 17th day of December, 1993.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

By Paul R. Fied
Chairman

Attest:

Kathy Simillios
Clerk